

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVID LAMAR JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:18-CV-520-WKW
)	[WO]
MONTGOMERY COUNTY)	
CIRCUIT COURT <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 22, 2018, the Magistrate Judge filed a Recommendation (Doc. # 8) that this case be dismissed prior to service of process pursuant to 28 U.S.C. § 1915(g). On July 18, 2018, Plaintiff David Lamar Johnson filed timely objections. (Doc. # 9.) The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

In his objections, Johnson fails to adequately address the basis of the Recommendation of the Magistrate Judge, specifically finding that Johnson has not pleaded facts that would entitle him to avoid the “three strikes” bar of § 1915(g). After review of the complaint (Doc. # 1), the court finds that the Recommendation correctly concluded that Johnson did not allege “imminent danger of serious physical injury” as required to proceed *in forma pauperis* under § 1915. *See*

Medberry v. Butler, 185 F.3d 1189, 1193 (11th Cir. 1999) (holding that a prisoner who has filed three or more frivolous lawsuits or appeals and seeks to proceed *in forma pauperis* must present facts sufficient to demonstrate imminent danger to avoid the three strikes bar). Johnson's failure to pay the required filing and administrative fees requires dismissal of this action without prejudice.

Accordingly, it is ORDERED as follows:

1. Johnson's objections (Doc. # 9) are OVERRULED.
2. The Recommendation (Doc. # 8) is ADOPTED.
3. This case is DISMISSED without prejudice for Johnson's failure to pay the filing and administrative fees upon his initiation of this action.

A separate final judgment will be entered.

DONE this 2nd day of October, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE